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In search of a better way

Rep. Richard Pombo, R-Tracy, has reached what could be his crowning moment in the House of Representatives.

This fall, with help from members of both political parties, he will try to push through Congress his long-desired, wide-reaching reform of 1973's Endangered Species Act, easily the nation's most controversial environmental legislation.

In the House, Pombo likely will be successful.

Who would have thought in January 1993 -- when he was sworn in for the first of his seven terms -- that the former Tracy city councilman would ever tackle such a complicated, ambitious modernization of federal law.

The only plausible scenarios at the time would be those of frustration or foolishness.

But the often-underestimated Richard Pombo has spent 12 years building relationships, surprising colleagues and consolidating his political power. He is chairman of the House Resources Committee, and that platform is his launching pad. Pombo has reason to expect success in what is sure to be a contentious debate on revamping the Endangered Species Act.

Environmentalists have spent a generation building an army of lawyers and lobbyists, whose existence depends on battles such as the one sure to occur over the next two months.

Pombo appears ready, and the common-sense reforms he is proposing have merit. One evidence of the corrective path he's on is the nature of the bipartisan group introducing the Threatened and Endangered Species Recovery Act of 2005. Six Democrats have joined eight Republicans as original co-sponsors. They come from nine states and from all parts of the country.

Pombo and Rep. Dennis Cardoza, D-Merced, are co-authors.

In drilling home their point that one of the proposed changes would shift primary environmental law responsibility to state and local jurisdictions, Pombo and Cardoza introduced the legislation at a news conference far from Washington, D.C. -- in Sacramento.

At its heart, the bill would grant greater protection to property owners in setting aside critical habitat.

"We want to focus on recovery of species, not land use," Pombo told The Record. "We want to develop a system of recovery first. What is it going to take to lead to better numbers in

recovering endangered species?"

Pombo, Cardoza and their colleagues point out that results from the current act have been inconsistent at best. After 32 years:

- Environmental groups cannot point to a long list of successfully rescued creatures.
- Misplaced emphasis puts a premium on setting aside habitat without accountability for recovery.
- Litigation over the law's implementation has skyrocketed.
- Interpretation has created a battleground of opposing interests, pitting landowners, environmentalists, recreational interests and governments against one another.

All of this is counterproductive, argues Pombo. Meanwhile, most of the animals that are threatened remain endangered or on a precarious precipice.

No surprise that Pombo is the champion of changing this law.

"The key is to compensate property owners if habitat designation takes away the value of their land," said Pombo, author of 1996's "This Land is Our Land," a book advocating private-property rights.

Critics already are pointing out that there is no federal fund to offer large farm and ranch interests fair-market value, thereby making the legislation ineffective. They fear it would lead to a reduction of set-aside habitat or, if money is available, abuses from developers seeking to build in environmentally sensitive areas.

These concerns must be worked out in the weeks ahead.

Pombo has devoted a sizable portion of his congressional career in preparing for this moment. He already has compromised on some of what he wanted. He and the co-sponsors must be ready for more change.

Getting this reform through Congress will lead to more effective, more meaningful legislation only if the bipartisanship exhibited thus far widens and grows.

Achieving a better balance between humankind and nature is important. So is creating a bill that can withstand the inevitable legal and political onslaughts ahead.

Pombo has invested a great deal thus far. The last thing he wants is a solution more complicated and confusing than the problem.
